



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR -3 2017

Lyn Utrecht
Utrecht, Kleinfeld, Fiori, Partners PLLC
1900 M Street, NW, Suite 500
Washington, DC 20036

RE: MUR 7117

Dear Ms. Utrecht:

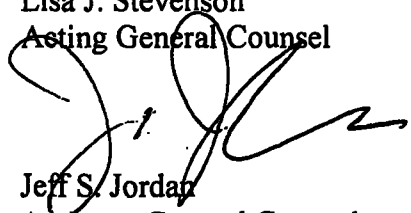
On August 9, 2016, the Federal Election Commission ("Commission") notified your clients, Joe Garcia for Congress and Roland Sanchez-Medina, in his official capacity as treasurer, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. On February 24, 2017, based upon the information contained in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on February 24, 2017.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). A copy of the dispositive General Counsel's report is enclosed for your information.

If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

1-2017-100000

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

2017 FEB 10 AM 10: 19

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

2017 FEB 10 AM 10: 11

MUR: 7117

Respondents: Joe Garcia for Congress
and Roland Sanchez Medina, as
treasurer (the "Committee")¹

Complaint Receipt Date: August 2, 2016

Response Date: October 19, 2016

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(a)(2)(A)(iii)
11 C.F.R. § 104.5(a)(1)**

The Complaint alleges that Joe Garcia for Congress filed its 2016 July Quarterly Report on July 16, 2016, one day late.² The Committee's Response states that the Committee attempted to file the report on July 15, 2016, but it was rejected because the report inadvertently referred to the wrong reporting period. The Committee states that it corrected the report within 24 hours of the filing deadline, and it has instituted new procedures to ensure timely filing.

Treasurers of candidates' principal campaign committees are required to file quarterly reports of receipts and disbursements no later than the 15th day after the last day of each calendar quarter (on April 15, July 15, and October 15).³ The Commission's records show that the Committee attempted to file the 2016 July Quarterly Report on July 15, but it was not considered received until the next day.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and

¹ Joe Garcia was a candidate for the U.S. House of Representatives in the 26th Congressional District of Florida in 2016. Garcia lost in the general election on November 8, 2016.

² The Complaint makes a reference to the knowing and willful violation section of the Act, 52 U.S.C. § 30109(a)(5)(C), but does not make a specific allegation that the Committee made a knowing and willful violation.

³ 52 U.S.C. § 30104(a)(2)(A)(iii); 11 C.F.R. § 104.5(a)(1).

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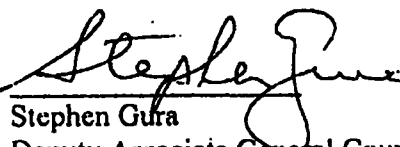
assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the Committee's apparent attempt to file the form timely, its swift remedial action, and the fact that the form was filed one day late, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

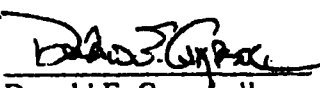
Kathleen M. Guith
Associate General Counsel

2.9.17
Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney